

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of May, 2006, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, Vice President, presiding. Council Member Seiffert gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Absent: Johnson 1

// Copies of the minutes of the April 18 and April 25 (two meetings), 2006 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// In the matter of Community Planning - General, Resolution #R-06-039 amending the FY 2006 City/Federal/State Aid Fund Budget and appropriating \$44,000, with \$20,000 reimbursement, for funding the Residential and Commercial Historic Districts Design Guideline Update, Revision and Expansion, laid over from the April 25, 2006 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// In the matter of Budget, Ordinance #O-06-040 amending the Fiscal Year 2006 Budget and appropriating supplemental funds for both the City Capital and Operating Budgets for the twelve month period beginning July 1, 2005 and ending June 30, 2006, laid over from the April 25, 2006 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// In the matter of Police - General, City Council Report #4 was considered. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-06-042, as presented, amending FY 2006 City/Federal/State Aid Fund Budget and appropriating \$1,500, fully reimbursable, for overtime expenses to effectively carry out selective enforcement activities and investigations:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// In the matter of Communications and Marketing, City Council Report #5 was considered. On motion of Council Member Gillette seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-06-043, as presented, appropriating \$15,295 to supplement \$25,705 in advertising revenue for the printing and mailing of a citizens' handbook:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert	5
Noes:	0
Absent: Johnson	1

// In the matter of Commonwealth Attorney, City Council Report #6 was considered. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-06-044, as presented, amending FY 2006 General Fund Budget and appropriating \$6,035.70, fully reimbursable, for the Commonwealth's Attorney office for additional equipment needs:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert	5
Noes:	0
Absent: Johnson	1

// In the matter of Airport - General, City Council Report #7 was considered. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-06-045, as presented, amending the FY 2006 Airport Projects Grant Fund Budget and appropriating \$17,263, fully reimbursable, to purchase terrorist preparedness enhancements at the Lynchburg Regional Airport:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert	5
Noes:	0
Absent: Johnson	1

// In the matter of Airport - General, City Council Report #8 was considered. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-06-046, as presented, amending the FY 2006 Airport Project Grant Fund Budget and appropriating \$140,000, with \$112,000 reimbursement, for realignment of the intersection of Hangar Road and Airport Road:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert	5
Noes:	0
Absent: Johnson	1

// Vice Mayor Foster stated that there were several presentations not listed on the agenda and asked that Council Member Helgeson assist her in making the presentations.

// Council Member Johnson arrived at 7:32 p.m.

// Vice Mayor Foster recognized Amanda Evans, Miss Lynchburg 2006, who will be representing Lynchburg in the Miss Virginia pageant on June 24. Council Member Helgeson presented her with a

Certificate of Recognition wishing her the very best of luck in the upcoming pageant and in her future endeavors.

// Vice Mayor Foster recognized the coaches and players of the Liberty University Women's Basketball team for their outstanding record in the NCAA and the Big South conference. Council Member Helgeson presented the team with a framed David Heath print and congratulated the coaches and players on winning its 10th "in a row" NCAA Division 1 Big South conference championship.

// Vice Mayor Foster read a proclamation proclaiming May 20-21, 2006, as "Museum Super Weekend."

// In the matter of Schools - General, a public hearing was held to receive the views and/or nominations of the citizens of Lynchburg concerning the Council's appointments or re-appointments for three positions on the Lynchburg School Board, one from each school district. At the request of Vice Mayor Foster, the Clerk read into the record the names of the current School Board members whose terms will expire on June 30: District 1, Julia Doyle; District 2, Carol Spencer Read; and District 3, Les Faircloth. The Clerk then read into the record the names of volunteers who have applied to-date to serve on the School Board: District 1—Janice D. Atkins, Alex Bell, Russell Neal Davidson, Robert A. Hopkins, Mary McCarthy, Bryan E. Tiller, Terry G. Ward and Susan G. Wingfield; District 2—Joseph T. Catlett, Jr., Darin Gerdes, Eyvonne Green, and Lanksford Hankins, Sr.; District 3—Theodore Hannon, Helen W. Haskins, LaVerne E. Reid, and Glyn K. Wooldridge. Mr. Darin Gerdes outlined his qualifications and spoke of his desire to serve on the School Board. There was no one else present who wished to speak. City Council reached consensus to continue the public hearing until May 23 to allow more time for citizens to apply for the positions on the School Board.

// In the matter of Community Planning – Community Development, a public hearing was held regarding City Council Report #10 regarding the reallocation of \$50,034.50 of FY 2003, 2004, and 2005 Community Development Block Grant (CDBG) Program Funds to the Affordable Housing Loans project and the College Hill Stabilization project, and reallocation of \$12,000 FY 2005 HOME Program Funds to the Lynchburg Homeownership project. Administrative and Grants Coordinator Melva Walker provided a brief overview regarding the request. Laura Dupuy, Executive Director of the Lynchburg Neighborhood Development Foundation, spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-047, as presented, approving the reallocation of \$50,034.50 of FY 2003, 2004, and 2005 Community Development Block Grant (CDBG) Program Funds to the Affordable Housing Loans project and the College Hill Stabilization project, and reallocation of \$12,000 FY 2005 HOME Program Funds to the Lynchburg Homeownership project:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert

6

Noes:

0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 11 outlining the petition of Nosark, LLC, to rezone approximately 0.7 acres at 2901 Old

Forest Road from B-1, Limited Business District, to B-3, Community Business District, and for a Conditional Use Permit to allow the construction of a veterinary hospital without outdoor kennels. City Planner Tom Martin provided a brief summary of the petition. Mr. Scott Beasley, Hurt & Proffitt, Inc., along with the petitioner, Dr. Rick Krason, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-06-048, as presented, approving the rezoning request:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-06-049, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #12 regarding adoption of the Fifth Street Corridor Master Plan, which encompasses a two block area on both sides of Fifth Street extending from Church Street to the Martin Luther King, Jr. Memorial Bridge, as part of the City's Comprehensive Plan 2002-2020. City Planner Tom Martin provided a brief summary of the request. Sympoetica President Phoebe Kilby presented an overview regarding the Fifth Street Corridor Master Plan. Dabney McCain, President of the Fifth Street Community Development Corporation, Nancy Marion, representing the Garland Hill Neighborhood Association, Oliver Kuttner, a downtown developer, Laura Dupuy, Executive Director, Lynchburg Neighborhood Development Corporation, and Laura Hamilton, Chair of the Planning Commission, spoke in support of the Plan. Bob Cornelison, Fisher Auto Parts Distribution Center, along with Mark Peake expressed concern regarding the removal of one traffic lane on Fifth as recommended by the Plan. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Ms. Kilby stated that the Plan has been revised to show a "loading zone" along Fifth Street next to the Fisher Auto Parts Distribution Center. City Council reached consensus to schedule another work session regarding this item at the May 23 meeting.

// In the matter of FY2007 Budget/CIP, City Council Report #13 regarding the FY 2007 Proposed Budget was considered. City Manager Kimball Payne provided a brief overview regarding the various budget ordinances stating that the ordinances reflect the action taken by City Council at the last work session. City Council agreed to vote on the various budget ordinances by groups, the first group consisting of Ordinances B, E, F, G, H, K, and L. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action the following Budget Ordinances: #O-06-051, as presented, adopting the FY 2007 Mandated and Contractual Contributory Agencies Budget and appropriating \$5,447,910 for this budget; #O-06-054, as

presented, adopting the FY 2007 Court Appointed Special Advocate Budget and appropriating \$12,000 for this budget; #O-06-055, as presented, adopting the FY 2007 Greater Lynchburg Transit Company Budget and appropriating \$945,972 for this budget; #O-06-056, as presented, adopting the FY 2007 Region 2000 Economic Development Partnership Budget and appropriating \$65,269 for this budget; #O-06-057, as presented, adopting the FY 2007 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget; #O-06-060, as presented, adopting the FY 2007-2011 Capital Improvement Program; and #O-06-061, as presented, adopting the FY 2007 Capital Budget and appropriating \$31,414,710 for the City Capital Projects Fund, \$1,858,140 for the Schools Capital Projects Fund, \$943,421 for the Airport Capital Projects Fund, \$1,630,000 for the Water Capital Projects Fund, and \$5,700,000 for the Sewer Capital Projects Fund:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

The second group of budget ordinances included Ordinances A and J. Council Members Helgeson and Seiffert reiterated their earlier position that with the additional \$7.6 million in State funding to the Schools, City Council should reduce the local funding to provide a reduction in the City's real estate tax rate and the BPOL tax, in that the reasoning behind the State providing more funding to the local School systems was an effort to take some of the pressure off of local governments via local real estate tax rate reductions. Following discussion, and on motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action the following budget ordinances: #O-06-050, as presented, adopting the FY 2007 Proposed General Fund Operating Budget (excluding Contributory Agency expenditures) and appropriating \$161,161,970 for this budget; and #O-06-059, as presented, adopting all other FY 2007 Proposed Operating Fund Budgets and appropriating the sums for each fund:

Ayes: Dodson, Foster, Gillette, Johnson 4

Noes: Helgeson, Seiffert 2

The next budget ordinance considered was Budget Ordinance C. Council Member Seiffert stated that he could not support this ordinance due to the past practice of the Area Agency on Aging Board in awarding one time bonus' to the employees instead of including wage increases as part of the normal budget process. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting Budget Ordinance #O-06-052, as presented, adopting the FY 2007 Central Virginia Area Agency on Aging Budget and appropriating \$15,000 for this budget:

Ayes: Dodson, Foster, Gillette, Johnson 4

Noes: Helgeson, Seiffert 2

The next budget ordinance considered was Budget Ordinance D. On motion of council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Budget Ordinance #O-06-053, as presented, adopting the FY

2007 Central Virginia Community College Board and Related Operations Budget and appropriating \$2,032 for this budget:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

The final budget ordinance considered was Budget Ordinance I. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Budget Ordinance #O-06-058, as presented, adopting the FY 2007 Virginia Legal Aid Society Budget and appropriating \$10,000 for this budget:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Boards and Commissions pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// The meeting was re-opened to the public.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Gillette, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// The meeting was recessed at 10:31 P.M. to May 23, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council